

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:

TOMAS M DUENO ESPADA
MERCEDES E LUGO RODRIGUEZ

Debtor(s)

CASE NO. 16-00470-ESL

CHAPTER 13

JOINT MOTION FOR ENTRY OF ORDER LIFTING
THE STAY BY CONSENT

TO THE HONORABLE COURT:

COME NOW, Debtors and secured creditor Rushmore Loan Management Services as service agent of Roosevelt Cayman Asset Company ("Rushmore") through the undersigned attorneys, and very respectfully, ALLEGE, STATE and PRAY:

1. On January 26, 2016, Debtor filed a petition under Chapter 13 of the Bankruptcy Code.

2. On May 5, 2016, Rushmore filed proof of claim no. 5-1 regarding a real property located at Urb. Golden Hills in the Municipality of Trujillo Alto, described in the Spanish language as follows:

URBANA: Solar radicado en la Urbanización Golden Hills, situada en el Barrio Las Cuevas del término municipal de Trujillo Alto, Puerto Rico, marcada con el número 8 de la manzana D del plano de inscripción con una cabida superficial de 511.68 metros cuadrados. En lindes por el Norte, en 17.77 metros con la calle existente; por el Sur, en 16.50 metros con el solar 7-A del bloque D; por el este, en 30.00 metros con el solar 9 del bloque D y por el Oeste, en 30.03 metros con calle sin salida.

This property is recorded at page 160 of volume 97 of Trujillo Alto, Property Number 4325, Property Registry of Puerto Rico, Fourth Section San Juan.

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3. The amended chapter 13 plan dated April 4, 2016 provides, in the pertinent part, for payment in full through the chapter 13 trustee of Rushmore's claim. The confirmation of the amended plan was denied on January 25, 2017.

4. On April 13, 2016, appearing creditor filed an "Objection to confirmation of plan", see docket no. 59.

5. The parties have discussed the facts of the case and have reached the following agreement: Debtors consent to the lifting of the stay in favor of Rushmore concerning the above mentioned collateral located at Urb. Golden Hills.

6. The parties respectfully request that this Court approve the present motion and enter an order lifting the stay in favor of Rushmore.

WHEREFORE, it is respectfully requested from this Honorable Court to take notice of the above-stated, grant the present motion and enter an order lifting the stay in favor of Rushmore.

NOTICE

YOU ARE HEREBY NOTIFIED THAT YOU HAVE TWENTY-ONE (21) DAYS FROM THE DATE OF THIS NOTICE TO FILE AN OPPOSITION TO THE FOREGOING MOTION AND TO REQUEST A HEARING. IF NO OPPOSITION IS FILED WITHIN THE PRESCRIBED PERIOD OF TIME, THE MOTION WILL BE DEEMED UNOPPOSED AND MAY BE GRANTED WITHOUT FURTHER HEARING UNLESS (1) THE REQUESTED RELIEF IS FORBIDDEN BY LAW; (2) THE REQUESTED RELIEF IS AGAINST PUBLIC POLICY; OR (3) IN THE OPINION OF THE COURT, THE INTEREST OF JUSTICE REQUIRES OTHERWISE. IF A TIMELY OPPOSITION IS FILED, THE COURT WILL SCHEDULE A HEARING AS A CONTESTED MATTER.

CERTIFICATE OF SERVICE: I hereby certify that on this same date I electronically filed the above document with the Clerk of the Court using the CM/ECF System which sends a notification of such filing to


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all those who in this case have registered for receipt of notice by electronic mail.

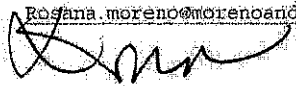
RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 10th of ^{March}~~February~~, 2017.

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